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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ANTI POLICE-TERROR PROJECT,
COMMUNITY READY CORPS, SEAN
CANADAY, MICHAEL COHEN, MICHAEL
COOPER, ANDREA COSTANZO,
JOHNATHAN FARMER, LINDSEY
FILOWITZ, DANIELLE GAITO, KATIE
JOHNSON, BRYANNA KELLY, JENNIFER
LI, IAN McDONNELL, MELISSA MIYARA,
LINDSEY MORRIS, LEILA MOTTLEY, NIKO
NADA, AZIZE NGO, NICOLE PULLER,
MARIA RAMIREZ, AKIL RILEY, AARON
ROGACHEVSKY, TARA ROSE, ASHWIN
RUPAN, DANIEL SANCHEZ, CHRISTINA
STEWART, TAYAH STEWART, KATHERINE
SUGRUE, CELESTE WONG, and QIAOCHU
ZHANG; on behalf of themselves and similarly
situated individuals,

Plaintiffs,

vs.

CITY OF OAKLAND, OPD Police Chief SUSAN
E. MANHEIMER, OPD Sergeant PATRICK
GONZALES, OPD Officer MAXWELL D'ORSO
and OPD Officer CASEY FOUGHT,

Defendants.

) Case No. 20-cv-03866-JCS
)
) **ADMINISTRATIVE MOTION TO**
) **CONSIDER WHETHER CASES SHOULD**
) **BE RELATED**

TIMOTHY MICHAEL RYAN,

Plaintiff,

vs.

CITY OF OAKLAND, ROLAND HOLMGREN,
and PATRICK GONZALES,

Defendants.

) Case No. 4:22-cv-00521-DMR

)

) **ADMINISTRATIVE MOTION TO**
) **CONSIDER WHETHER CASES SHOULD**
) **BE RELATED**

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Pursuant to Civil Local Rule 3-12, plaintiffs in *APTP et al. v. City of Oakland et al.*, 20-cv-03866-JCS submit this administrative motion to consider whether the newly filed matter *Ryan v. City of Oakland et al.*, No. 4:22-cv-00521-DMR should be related to *APTP et al. v. City of Oakland et al.*, 20-cv-03866-JCS.

A. Introduction

On June 1, 2020, Oakland Police Department officers deployed tear gas against peaceful demonstrators without warning, without lawful cause, and twenty minutes in advance of City wide curfew announced just hours before. In *APTP et al. v. City of Oakland et al.*, No. 20-cv-03866-JCS, community organizations Anti Police-Terror Project and Community Ready Corps and twenty-eight individual plaintiffs are seeking relief for the City of Oakland's unlawful deployment of tear gas over the course of four nights: May 29, 2020, May 30, 2020, May 31, 2020, and June 1, 2020. Plaintiff Timothy Michael Ryan in *Ryan v. City of Oakland et al.*, No. 4:22-cv-00521-DMR, was injured due to the City of Oakland's unlawful deployment of tear gas on June 1, 2020 and seeks relief for his injuries.

B. Whether the Actions Concern Substantially the Same Parties and Subject Matter.

The *APTP* and *Ryan* matters have two defendants in common: the City of Oakland and Sergeant Patrick Gonzales. The plaintiffs in both matters are represented by Siegel, Yee, Brunner & Mehta. The matters concern substantially the same subject matter—namely the use of tear gas against peaceful demonstrators on June 1, 2020. Siegel, Yee, Brunner & Mehta, counsel for plaintiffs in *APTP* also represent plaintiff in *Ryan*.

C. Whether Relating the Cases Would or Would not be Efficient for the Court and the Parties.

The cases address much of the same subject matter. However, *APTP* is in an advanced stage of litigation with discovery completed, summary judgment motions contemplated, and settlement discussions well under way. Currently, all dates in the case have been vacated, but plaintiffs expect to set the remaining dates—expert discovery deadlines, briefing schedule and motion hearing date for summary judgment and *Daubert* motions, pretrial conference, and trial—at the February 11, 2022 case management conference. Based on the date of service in *Ryan*, defendants’ Answer is due March 28, 2022, and the initial case management conference is currently set for May 4, 2022 based on the date the complaint was filed. Accordingly, plaintiffs’ counsel anticipates that trial in *APTP* will occur well before discovery will conclude in *Ryan*.

Dated: January 31, 2022

SIEGEL, YEE, BRUNNER & MEHTA

By: /s/ EmilyRose Johns
EmilyRose Johns

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